

## Remarks

Claims 1-4 and 6-8 are presented. Claims 9-37 are canceled. The amendments are supported by the original disclosure, particularly at page 5, lines 15-33; and page 8, lines 20-25. Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides an absorbent article, such as a labial pad, configured for disposition within the vestibule (42) of a female wearer. The labial pad may be worn by females for catamenial purposes, incontinence protection or both. The absorbent article includes an absorbent situated vertically between a cover and a baffle, and the absorbent has a length, a width, a height and an upper surface. The upper surface of the absorbent has a surface area, and in a particular aspect, the surface area of the upper surface of the absorbent can be no less than about 700 mm<sup>2</sup>, and no greater than about 1,700 mm<sup>2</sup>. In other aspects, the length of the absorbent is no greater than about 50 mm; the width of the absorbent is no less than 10 mm. Further aspects of the invention are set forth in the specification and claims.

The configurations of the article of the invention can demonstrate an improved efficacy at maintaining a desired disposition with the vestibule. The article can provide better coverage of the vestibule and can provide enhanced comfort to the wearer.

The specification has been objected to because of informalities. The description has been amended to expedite the prosecution of the present application. It is believed that the amendments to the description have overcome the Examiner's objections.

Accordingly, reconsideration and withdrawal of the objections to the disclosure are requested.

Claims 1-4 and 6-8 have been rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner has alleged that there are inconsistencies in Claim 1. The rejection is **traversed** to the extent that it may apply to the currently presented claims.

It is well settled that the claim is to be interpreted as a whole. It is pointed out that the claim limitation that the surface area is no less than about 700 mm<sup>2</sup> effectively provides a **further limitation** pertaining to the length and width dimensions that are properly incorporated into the scope of the claimed invention. It should be readily apparent that any **further limitation** necessarily produces an "inconsistency" because its effect is to generate a differentiation that does not include a portion of a previously broader category. It is, therefore, submitted that the Examiner's rejection is improper and that the currently presented claims are sufficiently definite to satisfy the requirements

of

35 U.S.C. § 112.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are requested.

As understood by Applicants, claims 1-4 and 6-8 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over, USP 5,762,644 to Osborn III et al. (hereinafter, Osborn). The rejection is respectfully traversed.

Osborn discloses an absorbent interlabial device which comprises a central absorbent portion and a pair of flexible extensions joined to the central absorbent portion. The central absorbent portion comprises an upper portion and a lower portion opposed to the lower portion. The upper portion faces toward the vestibule floor of the wearer during insertion of the absorbent device into the wearer's interlabial space and during use. That is, the upper portion is positioned furthest inward into the space between the wearer's labia thus leading the lower portion of the absorbent device during insertion. Upon insertion, the lower portion is less fully inserted into the wearer's interlabial space than the upper portion and the lower portion faces away from the floor of the vestibule of the wearer.

As taught by Osborn:

*In the preferred embodiment shown in FIG. 1, the main **absorbent** portion 22 of the interlabial device 20 has a length as measured along the longitudinal centerline, L, of between about 35 mm and about 120 mm. Preferably, the length of the interlabial device 20 is between about 45 mm and about 55 mm, and more preferably, is about 49 mm. The caliper (or width) of the central absorbent portion 22 of the interlabial device as measured in the **transverse** direction (or "y"-direction) is preferably less than or equal to about 8 mm, more preferably the caliper is between about 3 mm and about 8 mm, most preferably, the caliper is about 4.5 mm. Caliper measurements given herein were measured using an AMES gage with a 0.25 psi (gauge) load and a 0.96 inch diameter foot. Those skilled in the art will recognize that if a 0.96 inch diameter foot is not appropriate for a particular sample size, the foot size may be varied while the load on the gauge is accordingly varied to maintain a confining pressure of 0.25 psi (gauge). The height (or "z"-direction dimension) of the main absorbent portion 22 is preferably between about 8 mm and about 35 mm, and more preferably is about 20 mm. (emphasis added)*

Osborn, however, does not disclose or suggest an absorbent article having, in combination, an absorbent length of no greater than about 50 mm; an absorbent width of **no less** than 10 mm; **and an upper surface area** of the **absorbent** which is **no less** than about 700 mm<sup>2</sup>; and no greater than about 1,700 mm<sup>2</sup>, as called for by the presented claims. Since the absorbent taught by Osborn has a transverse (y-direction) width of up to about 8 mm, the upper surface of the Osborn absorbent would have a surface area of 400 mm<sup>2</sup> or less when the length of the Osborn absorbent is no greater than 50 mm. As a result, when compared to Applicants' claimed invention, the structures

taught by Osborn would be less able to maintain a desired fit and position within the vestibule of the female wearer. The structures taught by Osborn would provide less contact between the absorbent and the floor of the wearer's vestibule, would less effectively occupy the space in the vestibule to maintain a desired positioning of the absorbent in the vestibule, and would less effectively expose a desired upper surface area of the absorbent to the liquid being absorbed. In contrast to the arrangements taught by Osborne, the configurations called for by the claimed invention can better provide a desired upper surface area of the absorbent, and can be more readily used in combination with other feminine care products. It is, therefore, readily apparent that Osborn does not teach Applicants' claimed invention.

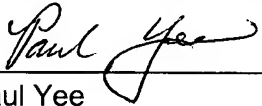
Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

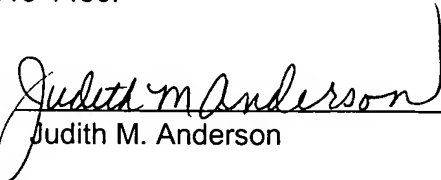
The undersigned may be reached at: 920-721-2435. Respectfully submitted,

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#### CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on March 29, 2004 the aforementioned documents are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Judith M. Anderson